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MISCELLANY.

Principles of Criminal Anthropology.—Criminal anthropology is a recent line of research. It includes the study of man mentally, morally and physically, and necessarily depends on the results of many sciences. It is therefore distinctively synthetic in character. Criminal anthropology affords more opportunities for persons of ability to carry out the highest ideals than any other branch of inquiry.

The following are some of the principles of criminal anthropology, or what might be called its platform:

1. Degrees of criminality should be estimated according to detriment to the community. From this point of view, international crime, or war, is by far the greatest of all crimes.

2. History is mainly history of the abnormal, especially war or international crime, and one of the objects of criminal anthropology is to lessen and prevent war. Montaigne says: "It is more barbarous to kill a live man, than to roast and eat a dead one."

3. The greatest of all studies is man, which is based upon the individual, the unit of the social organism.

4. If the study of civilized man is to become a science, it must depend upon investigation of large numbers of individuals, and the method should be the same for all classes, if we are to distinguish between the normal and abnormal.

5. The best method of study for criminal anthropology is that of the laboratory in connection with sociological data.

6. The thorough investigation of one human being with the means at the disposal of science, would make a volume.

7. All facts about human beings are important from the scientific point of view, whether those facts be immediately available or not.

8. All that is diseased is abnormal, but not all that is abnormal is diseased; thus a hand with six fingers is abnormal, but not necessarily diseased.

9. When the normal acts in an unsuitable way, or at the wrong time or place, it may become abnormal. The fundamental conception of the abnormal is excess of the normal.

10. The difference in degree between the normal and abnormal can be so great as to result in a difference of kind; just as when two fluids reach a certain amount, a precipitate is formed which is very different from the ingredients from which it was deposited.

11. Abnormal man may be abnormal in the right direction, as genius man, talented man or statesman; or in the wrong direction, as criminal, pauper or defective man. It is all man, and the study of these different classes might be called the anthropology of the living as distinguished from prehistoric anthropology.

12. Of all forms of abnormal humanity crime is nearest the normal;

the study of criminals therefore, is mainly the study of normal men, and knowledge thus gained may be generally applicable to the community as a whole. Therefore,

13. The prison and reformatory can serve as a humanitarian laboratory for the benefit of society. As the surroundings of the inmates are similar, conditions for scientific research are favorable.

14. As in machinery we first repair the parts out of order, so in society we first study the criminal, pauper, insane, feeble minded and other defectives, all of whom constitute about one per cent of the community. But

15. Why should we allow those abnormals who constitute one per cent of society to cause so much trouble and expense to the remaining ninety-nine per cent? It is mainly because of neglecting the young, where study of man should begin. For

16. There is little hope of making the world better, if we do not seek the causes of social evils at their foundation.

17. No evil can be permanently lessened without first finding its causes. There is probably no one cause of anything, but a chain of causes.

18. Drunkenness is not only one of the main causes of crime, but one of the greatest enemies of humanity, because it brings suffering upon so many innocent people.

19. We can not be tempted to do wrong unless there is something in us to be tempted; that something is part of ourselves as distinguished from our environment; therefore,

20. The comprehensive study of man requires investigation of both individual and his surroundings, for the environment may be abnormal rather than the man.

21. Cranks or mattoids who attempt the lives of prominent persons are very important solely on account of the enormous injury they can do to society. They therefore should be studied most thoroughly.

22. Just as the physician studies his patient in order to treat him properly, so one should study the criminal.

23. The exhaustive investigation of a single criminal illustrates just how and by what steps both environment and inward nature lead to criminal acts.

24. Criminals, paupers and other defectives are social bacilli which require as thorough scientific investigation as the bacilli of physical disease.

25. No one should be held responsible for the first fifteen years of life, nor is any one accountable for the tendencies inherited from ancestors. As the die is usually cast before adult life arrives, responsibility is most difficult to determine, and is often a minimum quantity. Therefore,

26. In judging human beings we should emphasize their excellencies rather than defects. As has been said, to know all is to forgive all; yet

27. Every person dangerous to property or life, whether insane criminal or defective, should be confined, but not necessarily punished.

28. The determinate sentence permits prisoners to be released, who are morally certain to return to crime. The indeterminate sentence affords the prisoner an opportunity to reform without exposing society to unnecessary dangers; but

29. Society has no right to permit prisoners to be released who will probably return to crime; for

30. Where it is a question between justice to the individual or justice to the community, the community should have the benefit of the doubt.

31. The prison should be a reformatory and the reformatory a school; the object of both should be to teach good mental, moral and physical habits; both should be distinctly educational. There should be a minimum temptation to do wrong and a maximum encouragement to do right.

32. Institutions for reforming human beings should have the conditions as similar as possible to surroundings outside, so that when inmates are released they may adapt themselves more easily to society and not become misfits.

33. Every one has the right to a proper bringing up; and

34. The time has come when we should study a child with as much exactness as we investigate the chemical elements in a stone or measure the mountains on the moon.

35. One purpose of criminal anthropology is through knowledge gained by scientific study to protect the weak, especially the young in advance, before they have become tainted and fallen.

36. The treatment of young criminals should be the prototype for treatment of adults, and procedures against them should have as little publicity as possible.

37. Publication in newspapers of criminal details is an evil to society on account of the power of imitation. In addition it makes the criminal proud of his record, develops the morbid curiosity of the people, and it is especially the weak who are affected.

38. Place confidence in the so-called bad boy, awaken his ambition and teach him to do right for right's sake.

39. Put the criminal upon his honor. A prisoner once said, "If they will not believe me when I tell the truth, I might as well tell lies."

40. Nothing will hinder development of the young more than the prospect of having plenty of money and no necessity to work. Idleness often leads to crime.

41. Increase of intellectual development is not necessarily connected with increase of morality, and education which trains the mind at the expense of the will is a questionable education.

42. To any observer of life, the impracticability of pessimism and the advantages of optimism are evident.

43. The longer we live, the more we appreciate the average honest man, as compared with the dishonest talented man.

44. Act as thou wouldst act, if all the consequences of thy act could be realized at the moment thou actest.

By Arthur MacDonald, Washington, D. C. Honorary President of the "3rd International Congress of Criminal Anthropology" of Europe.

Law Reporting and Digesting.—Report Presented by the Committee of the American Bar Association.—To the American Bar Association: For the American Bar the problem of reporting and digesting is a peculiarly difficult one. There is no other Bar that has to keep in touch with the decisions of so many courts. Neither the courts nor the lawyers of one state can safely ignore the course of legal decisions in other states of the Union. The enterprise that has brought about the publication of the decisions of the courts of all the states and of the federal courts in every district in one series of volumes has of itself, by increasing the accessibility, increased the need of access to the reports of the decisions of all the states, and with the growth of the country and the lapse of time, the volume of the reported cases has become almost intolerable. There is dissatisfaction in the profession because of this burden, and this dissatisfaction has often been expressed in the reports of this committee. While recognizing the difficulties inherent in the situation, the committee has insisted upon the necessity of lessening the rate of increase in the volume of the reports, and that this may be done by discrimination in the publication of opinions and by shortening the opinions themselves.

This Association cannot control either the courts or the publishers, but it can at least let it be known whether or not it is in favor of the existing plan of publishing all the opinions of the higher courts or of publishing only those which in the judgment of competent reporters are of real value in the statement and development of the law, and it may also be respectfully submitted to the courts, that in view of the increasing volume of reported cases, it is desirable that opinions that are to be reported should be as brief as is consistent with a clear statement of the facts and the legal principles applied to them and an expression of the controlling reasons for the decision. Discrimination and exclusion are the more important in the series of reports which is to serve the Bar of the

whole country, and it is in this series that there is the least selection and that the avowed purpose is to publish all cases.

So long as the law is built upon the authority of decided cases there is need for the publication of all the cases in which the law is developed and by which its principles are applied to new conditions, but there is no need, at least in a series intended for general use throughout the country, for reporting decisions that deal only with questions of fact or in which familiar principles are applied to ordinary states of fact. The citation of such cases is not helpful to the courts, nor does it tend to the thoughtful study of the law. The principles of law have been well settled. They have been stated in ruling cases, in text-books of recognized authority and of late in cyclopedias with references to the cases in which they have been declared and applied. The profession could well do without reports of any cases which do not in some way modify these statements of legal principles or furnish some substantial new illustration of the way in which they may be applied.

It is not easy for the reporters to make the selection, but it can be done by good reporters and is worth the effort. It may seem to be against their interest to shorten their reports, but it is not, for if they do not make the effort, the system will break down with its own weight.

Much can be done by the judges to avoid undue increase in the volume of the reports. On this point we may quote the language of a learned judge in New Jersey, in a recent address to the Lawyers' Club of Newark. Speaking of the American courts in general he says:

The opinions of the judges are apt to read like lawyers' briefs or essays. They often read as if the judge had just looked up the law and thought it necessary to cite authorities for the most firmly settled propositions. The English opinions read as if the judge knew the existing state of decisions and assumed that everyone else did, and that it was his business to show necessary development from established principles and their application to the particular case. The opinions are shorter and more directly to the point, based more upon the reason of the thing and rely less upon the multitude of precedents. We encumber our reports with the citations of case after case, repeating the decision of legal principles about which nobody has any doubt, with the risk of misleading counsel by slight variations in the forms of expression, and wasting time by the cumulative citation of cases where one authoritative case that settles the law is quite enough.

There is an increasing tendency to uniformity in the statutes of the various states. A comparison of the recent legislation of all the states will show that to a very large extent, statutes enacted in one state have been substantially adopted in the legislation of others,

and this not merely in those matters in which special efforts have been made to bring about uniformity in legislation.

The unity of the country in social and business affairs makes it necessary that business men as well as lawyers having anything more than a local practice, should be able readily to inform themselves of the laws of many states on a great number of subjects. There is already a tendency to uniformity of classification in the preparation of digests and this tendency should be stimulated by the approval by this Association and accelerated by the conscious and well-directed efforts of editors and publishers and legislative commissions. Effective action on these matters cannot be taken without co-operation among the several states, and if the Association approves of and is desirous of taking effective measures for retarding the increase of the volume of the reports and of bringing about uniformity of classification and plan in the digests of the statutes of the several states, your committee would recommend that a special committee be appointed for the purpose consisting of one member of each state.

The committee offers the following resolutions:

1. That the increasing volume of the reported cases is a burden for which some relief must be found both in the selection of the opinions that are reported and in greater brevity in the opinions themselves.
2. That it is desirable that there be substantial uniformity of plan and classification in digests of the statutes of the various states.
3. That a committee be appointed consisting of one member from each state to consider these matters, and to confer with members of the Bar and with judges and reporters and to take such action as they may think best to bring about the desired results.

IN VACATION.

Retired.—Among the Monday morning culprits haled before a Baltimore police magistrate was a darkey with no visible means of support.

"What occupation have you here in Baltimore?" asked His Honor.

"Well, jedge," said the darkey, "I aint doin' much at present—jest circulatin' round, suh."

His Honor turned to the clerk of the court and said:

"Please enter the fact that this gentleman has been retired from circulation for sixty days."—The Green Bag.